

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO. 5:11-cv-105(DCB)(JMR)

\$70,000 SEIZED FROM MUTUAL CREDIT
UNION, ACCOUNT NO. XXXXXX-04

DEFENDANT PROPERTY

ORDER

This cause is before the Court on the United States' motion to strike (**docket entry 25**) the claim and answer of Lee Davis, pursuant to Rule G(8)(c)(i)(A) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. Having carefully considered the motion and response, and being fully advised in the premises, the Court finds as follows:

On November 28, 2011, this Court granted Davis's unopposed Motion to Vacate Default Judgment, and ordered Davis to file a Verified Statement of Right or Interest and an Amended Answer within 21 days of the Court's order. Davis filed his verified claim on November 28, 2011, and his amended answer on December 18, 2011.

On April 13, 2012, the Government served Davis with Special Interrogatories pursuant to Rule G(6) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. Supplemental Rule G(6)(b) provides that "answers or objections to these interrogatories must be served within 21 days after the interrogatories are served." The Government moves to strike

Davis's claim and answer pursuant to Supplemental Rule G(8)(c)(i)(A) for his failure to comply with Supplemental Rule G(6).

In response, Davis admits that he did not provide answers to the interrogatories within the time allotted, and failed to move for an extension within said time. Further, Davis shows that he has conferred with counsel for the Government, who agreed to an extension of 14 days, i.e. to June 6, 2012, for Davis to provide the answers to interrogatories. On June 6, 2012, Davis filed his notice of service of response to interrogatories. Accordingly,

IT IS HEREBY ORDERED that claimant Lee Davis's request for extension of time to June 6, 2012, to file answers to interrogatories is GRANTED;

FURTHER ORDERED that the Government's motion to strike (**docket entry 25**) the claim and answer of Lee Davis, pursuant to Rule G(8)(c)(i)(A) of the Supplemental Rules is DENIED.

SO ORDERED, this the 11th day of June, 2012.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE